

U.S.S.N. 10/065,247

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**REMARKS****Introductory Comments:**

Claims 1-17 are pending in the application. Claims 7-12 are allowed. Claims 1-3, 5-6, 13-15, and 17 are rejected. Claims 4 and 16 are objected to for being based on rejected claims. The Applicants respectfully request reconsideration of claims 1-6 and 13-17.

**In Response To The Claim Objections:**

Claims 4 and 16 are objected to. The Applicants believe that the Objections are overcome as a result of the following response.

**In Response To The Claim Rejections:**

Claims 1-3, 5-6, 13-15, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hedlund et al (US6516282) alone or further in view of Emeric et al (US2002/0148604).

The Applicants respectfully traverse the Examiner's rejections because where a rejection is applied in an application filed after November 29, 1999 under 35 U.S.C. 102(e)/103 over a reference, a showing that the invention was subject to an obligation of assignment to the same entity as the reference at the time the later invention was made would preclude such a rejection. MPEP 715.01(b).

Hedlund qualifies as a 35 U.S.C. 103(c) reference, which includes:

(c) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

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Hedlund qualifies as 103(c) prior art only under 35 U.S.C. 102(e), which includes:

(e) the invention was described in — (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language;

Hedlund was filed on April 19, 2001 and issued on February 4, 2003, whereas Applicants' Application was filed on September 9, 2002. Therefore, 35 U.S.C. 102(e)(2) applies because the Office Action is claiming that Hedlund describes a portion of Application 10/065,247 and Hedlund was published while Application 10/065,247 was pending in the Patent and Trademark Office.

The Hedlund reference and Application 10/065,247 were subject to assignment to a common assignee at the time of filing of Application 10/065,247. Under MPEP 715.01(b) the Hedlund reference is therefore disqualified as prior art.

Applicants assert that Application 10/065,247 and Hedlund et al. (US 6,516,282) were, at the time the invention of Application 10/065,247 was made subject to an obligation of assignment to "GE Medical Systems Global Technology Company". Pursuant MPEP 715.01(b) and MPEP 706.02(l)(3), this disqualifies Hedlund et al. from being used as a reference under 35 U.S.C. 103 against the claims of Application 10/065,247.

With the disqualification of Hedlund, only the Emeric reference remains. The Applicants note that Emeric was also subject to assignment to GE Medical Systems Global Technology Company at the time of filing of the Application. The Applicants

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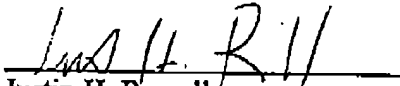
further note that Emeric is a copending application; and should Emeric mature into a patent, disqualification under 35 U.S.C. 102(e)/103 will be appropriate. Because of the disqualification of Hedlund, however, claims 1-6 and 13-17 are believed to be allowable.

In view of the aforementioned remarks, it is respectfully submitted that all pending claims are in a condition for allowance. A notice of allowability is therefore respectfully solicited. Please charge any fees required in the filing of this amendment to Deposit Account 50-0476.

The Examiner is invited to contact the undersigned at (248) 223-9500 if any unresolved matters remain.

Respectfully Submitted,

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